

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY T. COLE,

No. C 12-4568 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

v.

W. KNIPP,

Defendant.


(Docket Nos. 5, 6, 9, 13, and 15)

Plaintiff, a California prisoner proceeding pro se, filed this civil rights case. He has filed a motion to voluntarily dismiss the case unless counsel is “appointed” to represent him. He would like the dismissal to be without prejudice to refile the case in the future when he is able to find counsel. There is no constitutional right to counsel in a civil case. *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). 28 U.S.C. 1915 confers on a district court only the power to “request” that counsel represent a litigant who is proceeding in forma pauperis. 28 U.S.C. 1915(e)(1). This does not give the courts the power to make “coercive appointments of counsel.” *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989). In short, the court does not have the power to “appoint” counsel. Accordingly, plaintiff’s motion for appointment of counsel is **DENIED**, and his motion to voluntarily dismiss this case is **GRANTED**. See Fed. R. Civ. P. 41. The case is **DISMISSED** without prejudice.

This order terminates docket numbers 5, 6, 9, 13, and 15. The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: October 1, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE